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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Frank N. Blundo
U.S. Appl. No. : 10/727,082
Filed : December 3, 2003
TITLE : APPARATUS AND METHOD FOR FRAMING AND
ISOLATING WINDOW AND DOOR OPENINGS OF A
BUILDING
Group Art : 3635
Examiner : Chi Q. Nguyen
Confirmation : 6048
Customer No. : 29669
Atty Docket : 32978 US

June 20, 2007
Lowell, Massachusetts

CERTIFICATE OF MAILING

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Petition, Commissioner for Patents, P.O.
Box 1450, Alexandria, VA 22313-1450 on
June 20, 2007

Walter F. Dawson
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June 20, 2007

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450,
Alexandria, VA 22313-1450

Sir:

LETTER

RENEWED PETITION UNDER
37 CFR § 1.137(b) UNINTENTIONAL

In response to the recent decision in the above case of
May 11, 2007, Applicant hereby requests reconsideration of the
decision on the Petition Under Application Under 37 C.F.R.

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06/25/2007 REMITTANCE 00000011 10727082
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§ 1.137(b) filed October 10, 2006 and October 17, 2006 to revive the above-identified application.

In the Decision on Petition under 37 CFR 1.137(B) mailed May 11, 2007, it states on page 1, third paragraph, that "The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed June 24, 2005, which set a three month shortened statutory period for response. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, by operation of law, the above identified application became abandoned on September 25, 2005.

In the Decision on Petition it further states that "Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before June 8, 1995.

In the Petition on Decision mailed May 11, 2007, it further states on page 1, Paragraph 5, that "The petition does

not satisfy item (1) above. In particular, the Office of Petitions has been advised that there were insufficient funds in Deposit Account No. 16-0875 to cover the excess number of independent claims which would be added by the proposed amendment if it were to be entered."

Applicant filed a Petition to Revive Abandoned Application Under 37 C.F.R. §1.137(b) Unintentional on October 6, 2006, which was accompanied by an Amendment labeled Amendment under 37 C.F.R. 1.111. Check No. 21409 in the amount of \$750.00 representing the Petition Fee was included. Upon discovering the incorrect label "Under 37 CFR 1.111," Applicant filed a *Supplemental* Petition to Revive Abandoned Application Under 37 C.F.R. § 1.137(b) Unintentional on October 13, 2006, which was accompanied by an Amendment properly labeled *Amendment under 37 C.F.R. 1.116*, and which requested that the improperly labeled *Amendment under 37 C.F.R. 1.111* that was filed with the original Petition to Revive Abandoned Application on October 6, 2006, be replaced with the properly labeled *Amendment under 37 C.F.R. 1.116* that accompanied the *Supplemental* Petition. Applicant had previously included a check for \$750.00 with the original petition, another check was not included. The content of the original Petition and Amendment and the Supplemental Petition and Amendment are identical.

The U.S. Patent and Trademark Office determined that the Amendment under 37 C.F.R. 1.116 contained six (6) independent claims. Applicant had paid for a total of only four (4) independent claims. As a result, the U.S. Patent and Trademark Office attempted to charge the fee for the additional two (2) independent claims to our Deposit Account No. 16-0875 and were informed that there were insufficient funds to cover the amount of the fees due.

Accordingly, Applicant encloses herewith a check in the amount of \$200.00 for payment of fees for two (2) independent claims in excess of the four (4) independent claims for which payment was made at the time of filing the present application.

It is requested that (1) the enclosed Renewed Petition To Revive Abandoned Application Under 37 C.F.R. § 1.137(b) Unintentional be granted; (2) the patent application be revived and restored to the pending files; and (3) the Amendment under 37 C.F.R. § 1.116 be entered and examined and the claims allowed.

Attorney Docket No. 32978 US

The Commissioner is hereby authorized to charge payment of any additional fees associated with this Petition to our Deposit Account No. 16-0875.

Respectfully Submitted,
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By

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